

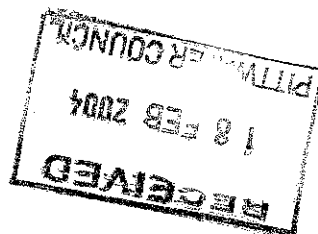
RESIDENTS ASSOCIATION OF PITTWATER

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19 February 2004

Mr Angus Gordon
General Manager
Pittwater Council
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MONA VALE NSW 1660



Dear Mr Gordon

Proposed rezoning of Heydon Estate and Uniting Church land, Ingleside & Elanora Heights (ref: R0005/03 & R0006/03)

Summary

We are surprised that DIPNR, having assisted Council to preserve the Warriewood escarpment by bringing it into public ownership, should now be seeking to recover its costs through a development which is detrimental to the primary objective of the exercise. We are even more surprised that the Uniting Church, which contributed nothing to the purchase, has been invited to come in on the grouter.

There is ample opportunity for the Department to recover its costs through the sale of other land it owns in Ingleside, located where development will not affect the integrity of the escarpment. The proposal should be rejected. For Council to do otherwise would be to betray the trust of the community, which has given solid support to a special rate levy to help finance the purchase of the escarpment.

Background

In the mid-1990s there was growing public interest in the possibility of purchasing and preserving the Warriewood Escarpment, as the only coastal escarpment in the metropolitan area which remained largely free of development and which retained most of its natural tree cover. In consequence of this interest, David James, Phil Walker and Henry Wardlaw submitted to Council a *Preliminary Proposal for Land Exchange*, outlining a procedure for financing the acquisition by the exchange or sale of publicly owned land, mainly in the hands of DUAP. An informal discussion with a senior DUAP officer had indicated that this proposal might prove acceptable. The *Proposal* was accompanied by a schedule of public land potentially suitable for exchange or sale, compiled with the help of Council staff.

Council supported the proposal in principle and, following a publicity campaign and endorsement by a well-attended public meeting, imposed a special rate levy to help

finance the acquisition. Formal negotiations between Council and DUAP followed and a Memorandum of Understanding was agreed between the parties. This provided that Council would use its best endeavours to facilitate DUAP – now DIPNR – to recoup its expenditure by the sale of land which it owned in the vicinity. The acquisition process has continued successfully, up to now.

The DIPNR Proposal

DIPNR has now submitted a rezoning application to enable it to subdivide, develop and sell a portion of the Heydon Estate, which it now owns, situated right on the crest of the escarpment. This development could not fail to have a range of deleterious effects on the land below it. In particular, it would undermine the prime purpose of the acquisition, to preserve the escarpment **and its skyline** in its present wooded condition. No explanation is given for the choice of this option over the sale of other departmental land, which would not undermine the primary purpose of the exercise. Further, the Department has enlisted the Uniting Church as a partner in this development, thus magnifying the potential damage, even though the Church has made no contribution, financial or otherwise, to the achievement of the community objective.

If implemented the DIPNR and Uniting Church proposals together would:

1. Create nine new rural residential lots to the east of the existing lots fronting Ingleside Rd. The "building zone" for each of these is close to the western boundary, on or close to the skyline as viewed from the east.
2. Create one new rural residential lot fronting Ingleside Rd.
3. Create one residue DIPNR lot of 23ha and one residue Church lot of 5ha. These are proposed to be dedicated as part of the escarpment reserve.
4. Create nearly a kilometre of constructed road, including a substantial bridge over the southern tributary of Mullet Creek, to provide access to the lots.
5. Allow building on four existing rural residential lots fronting Ingleside Rd, the property of DIPNR.

Critique of the Proposal

Located as they are on the most sensitive part of the escarpment, on and near the skyline, these two proposals taken together will have damaging consequences which will undermine the objectives of the exercise. Buildings will be erected in visually prominent positions, and given the size of the lots and the prevailing land values we can be sure that they will be large and prominent, with appurtenances such as tennis courts and swimming pools. The earthworks associated with them, and particularly the heavy construction needed for the proposed access road, will inevitably lead to erosion and siltation, notwithstanding any remedial or preventive measures which may be adopted. The effects will extend throughout the escarpment below the development and hence into the Warriewood wetlands, the purchase and development of which have required the investment of substantial community resources.

Particularly affected will be Mullet Creek and Green Hills falls, a principal feature of the reserve. Council policies regarding the preservation of creek line corridors have been totally ignored.

These effects will be concentrated in the construction period, but the development will be a source of continuing damage thereafter. Runoff will be significantly increased by the proliferation of hard surfaces and the watering of gardens, and will carry unwanted nutrients and pollutants into the slopes below. The size of the lots will permit the keeping of hard hoofed animals, which will exacerbate silting and pollutant problems. The planting of alien and invasive plant species will threaten the ecological balance of the substantially pristine escarpment woodlands. The initial clearing of vegetation on construction sites and for the establishment of bushfire protection zones will be followed by periodic maintenance clearing on the latter. The destruction of native plant and animal habitat will extend far beyond the boundaries of the new lots.

Serious as these impacts are, they are greatly outweighed by the visual effects of the proposal. Appendix D to the submission – Visual Quality Assessment – is for the most part a balanced analysis of these. Some quotations from it follow:

- The part of the land proposed for development in the vicinity of the escarpment edge would be greatly altered in character as a result of the increased visibility of residential dwellings and the clearing of the existing heath and some small tree vegetation.
- The change in character of the subject land would be most noticeable in distant viewing locations to the east. In these views the loss of vegetation in the upper parts of the site and the increased visibility of both existing and future dwellings would be evident. The appearance of this part of the site would be more like the more developed parts of the escarpment to the south of the site, where dwellings are seen in a row along the edge of the plateau area.
- Cumulative impacts would occur as a result of the concentration of future dwellings within the subject land as well as the increased visibility of existing dwellings in its vicinity.

These sections of the Visual Assessment, and others in a similar vein are in our view sufficient to damn the proposal out of hand. Understandably, quotations from this document in the body of the report are very few. Quoted in full, however, is the following from its summary:

- The overall visibility of some development has to be weighed up against the scenic protection and conservation of the escarpment landscape in perpetuity, as a result of the dedication of most of the land to Council. This land is also continuous with extensive areas to the north, recently also dedicated to public ownership. The public interest in the scenic protection of the escarpment is in our opinion an over-riding benefit of the proposal. The visual impacts of the proposal are not significant, by comparison with this benefit.

In view of the general thrust of the Assessment, we find this to be a breathtaking contradiction. Nowhere, either in this document or in the main body of the report, is there any discussion of the basis on which the comparison contained in the last sentence has been assessed. The authors appear to be totally unaware that the primary purpose of the acquisition of the Heydon Estate by DIPNR was to dedicate it to Council as part of the escarpment reserve. The report treats this proposal as if it were conceived as a real estate deal, with the dedication of the lower slopes, topographically difficult to develop in any case, as an incidental benefit. It places considerable emphasis on the compatibility of the development with the existing rural residential development in South Ingleside.

Mr Waldron's letter of December 22 to the General Manager confirms that the purpose of the subdivision proposal is to fund the acquisition of the Heydon Estate. Though there was in principle agreement in the 2001 Memorandum of Understanding that this was the preferred option, it is clear from the material in the current submission that this preference was misconceived. First, it substantially diminishes the value of the public benefit derived from the long and difficult negotiations which have been necessary to bring the acquisition of the escarpment to fruition, and from Council's substantial capital investment therein. Second, it requires heavy capital investment in road and bridge construction that will have to be recouped before the funds outlaid on the land purchase can be recovered. Much more will need to be realised from the sale of lots than would be the case if a cheaper option were adopted, thus adding considerably to the financial risk associated with the development.

The gratuitous and unexplained addition of the Uniting Church development to the exercise, in a manner that conflicts with Council's policies for Warriewood Valley, adds to the apparent folly.

An Alternative Proposal

The campaign to preserve the Warriewood escarpment through public acquisition was triggered by a submission to Council by David James, Phil Walker and Henry Wardlaw, dated 25 January 1997. This listed 35 DUAP owned lots in South Ingleside, potentially suitable for residential development without impinging on the escarpment. We understand that the amount that DIPNR is seeking to recoup is approximately \$6,000,000. The sale of its four existing lots fronting Ingleside Rd plus the new Lot 1 proposed to be created would go a long way towards yielding the required sum. Dwellings on these, if located near the Ingleside Rd frontage, would have little if any impact on the escarpment. Any remaining shortfall could be met by the sale of other selected lots, or even by a cash contribution from Council's escarpment levy.

Conclusion

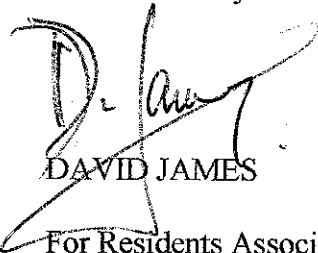
DIPNR's contribution to the acquisition of the escarpment is recognised and appreciated and it is appropriate that it should have the opportunity to recover its expenditure. The Memorandum of Understanding of 21 December 2001 and Council's subsequent letter of 10 May 2002 were drafted before any close analysis of the implications of developing the preferred lots had been undertaken. In the light of the information contained in the current submission, it is now clear that such

development would seriously prejudice the fundamental objectives of the acquisition. It is therefore necessary to seek alternatives, and the Department's letter of 22 December 2003 indicates a willingness to do that.

We therefore urge Council to reject the DIPNR proposal in its present form, except for the creation of the new Lot 1 fronting Ingleside Rd, and to explore other financial arrangements along the lines suggested above.

There is no argument whatsoever for giving further consideration to the Uniting Church proposal, which should be rejected entirely

Yours sincerely



DAVID JAMES



JIM REVITT



HENRY WARDLAW

For Residents Association of Pittwater